

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KRISTI MCCARTNEY, *et al.*, :
 :
Plaintiffs, : Case No. 3:16-cv-349
 :
vs. : JUDGE WALTER H. RICE
 :
TRAVELERS PROP. CAS. INS. CO., :
 :
Defendant. :

ENTRY OVERRULING AS MOOT DEFENDANT TRAVELERS INDEMNITY COMPANY'S MOTION FOR DISMISSAL PURSUANT TO FED. R. CIV. P. 12(b)(6) (DOC. #4); PURSUANT TO FIRST AMENDED COMPLAINT OF PLAINTIFFS KRISTI MCCARTNEY AND SEAN MCCARTNEY (DOC. #5), TRAVELERS PROPERTY CASUALTY INSURANCE COMPANY IS SUBSTITUTED FOR TRAVELERS INDEMNITY COMPANY AS SOLE DEFENDANT

Pending before the Court is the Motion for Dismissal Pursuant to Fed. R. Civ. P. 12(b)(6) ("Motion") of Defendant Travelers Indemnity Company, filed on August 22, 2016. Doc. #4. On September 2, 2016, pursuant to Fed. R. Civ. P. 15(a)(1)(B), Plaintiffs, Kristi McCartney and Sean McCartney ("Plaintiffs"), filed their First Amended Complaint. Doc. #5. In the First Amended Complaint, which superseded Plaintiffs' original Complaint, Doc. #1-1, Plaintiffs added Travelers Property Casualty Insurance Company, and removed Travelers Indemnity Company, as a Defendant. Consequently, Travelers Indemnity Company has been dismissed from the case, and its Motion is OVERRULED AS MOOT. The above-captioned case shall proceed with Travelers Property Casualty Insurance Company as the sole Defendant.

September 13, 2016

A handwritten signature in black ink, appearing to read "Walter H. Rice", is positioned above a horizontal line.

WALTER H. RICE, JUDGE
UNITED STATES DISTRICT COURT